

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/588,737 Confirmation No. : 9673  
First Named Inventor : Hiromu KAKUYA  
Filed : February 09, 2004  
TC/A.U. : 3748  
Examiner : Diem T. Tran  
Docket No. : 011050.58088US  
Title : Engine Controller

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 AND 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form SB08 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

I. Time Period of Submission

This Information Disclosure Statement is submitted:

1) no later than three months from the application's filing date or 2) before the mailing date of the first Office Action on the merits (whichever is later) or 3) before a first Office Action after the filing of a Request for Continued Examination, and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

2) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

a Statement under 37 C.F.R. § 1.97(e); or  
 a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

3) after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and  
a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

II. Statement Under 37 C.F.R. § 1.97(e)

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

III. Statement under 37 C.F.R. § 1.704(d)

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

IV. Submission of Non-English Language Documents

The following is a concise explanation of relevance of the non-English language documents listed in the attached Form SB08:

The relevance of document(s) \_\_\_\_\_ to the subject matter of the present invention is/are provided in the specification of the above-identified application.

Corresponding foreign or international report(s) citing document(s) \_\_\_\_\_, together with an English-language version(s) (if not already in English) of that portion of the report(s) indicating the degree of relevance found by the foreign office(s) is/are submitted.

English language family member publication(s) of document(s) \_\_\_\_\_ is/are noted on Form SB08.

English language abstract(s) is/are submitted for document(s) B3.

English translation(s) of the foreign language document(s)  
\_\_\_\_\_ is/are submitted herewith.

Applicant submits the following explanations:  
\_\_\_\_\_.

V. Continuations/Divisionals

Documents \_\_\_\_\_ were of record in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, from which this application claims benefit. As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously submitted to or cited by the United States Patent and Trademark Office in the afore-mentioned parent application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, this paper should be considered as an authorization to charge Deposit Account No. 05-1323, Docket No. 011050.58088US, for the fee set forth in 37 C.F.R. § 1.17(p).

Respectfully submitted,

\_\_\_\_\_  
Richard R. Diefendorf  
Registration No. 32,390

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
RRD:kld